

Tab 11

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1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 VALERIE W. WAKEFIELD, : Civil Division
4 Plaintiff, :
5 : Civil Action
6 : No. 05 CV 79 - Erie
7 VS. :
8 JOY MINING MACHINERY :
9 COMPANY, a division of :
Harnischfeger Industries, :
Defendant. : Honorable Maurice B.
: Cohill, Jr.

10
11 Deposition of : JOHAN MARITZ
12 Date : September 20, 2006
13 : commenced at 11:15 a.m.
14 Place : Franklin Club
15 : 1341 Liberty Street
Franklin, PA

16
17 APPEARANCES:

18 FOR THE PLAINTIFF:
19 ALEXANDER H. LINDSAY, JR., ESQ.
The Lindsay Law Firm, P.C.
20 128 South Main Street
Butler, PA 16001

21
22 FOR THE DEFENDANT:
23 PAMELA G. COCHENOUR, ESQ.
Pietragallo, Bosick & Gordon
24 The Thirty-eighth Floor
One Oxford Centre
Pittsburgh, PA 15219

1 question. And so we have to both be careful.
2 I'll make a deal with you that I will try not to
3 step on your lines if you try not to step on
4 mine, because it makes it very difficult for this
5 lady to do us both at the same time. Secondly,
6 we all have the tendency to give what we call
7 inaudible answers, nodding or shaking our heads
8 and grunt noises, such a uh-hun and things of
9 that nature. So if I say I need an audible
10 answer that means you have to reply verbally,
11 okay?

12 A. Yes.

13 Q. Good. We're off to a great start. Sir, how old
14 are you?

15 A. I'm 48.

16 Q. And what is your educational background?

17 A. I have a bachelor's degree and two years of post
18 graduate study.

19 Q. In what field, sir?

20 A. Employment law and labor law.

21 Q. And what is your current occupation?

22 A. Director of Human Resources for Joy Mining
23 Machinery in the Americas.

24 Q. And where is your office?

25 A. Warrendale, Pennsylvania.

1 (An off the record discussion was held.)

2

3 Q. Sir, I'm going to show you what has been
4 previously marked as Meade Deposition Exhibit No.

5 3. Have you seen this document before?

6 A. Yes.

7 Q. And what is that?

8 A. That is a copy of the company harassment policy.

9 Q. Okay. Are there any other documents related to
10 the harassment policy at Joy other than this one
11 or is this it?

12 A. This is it in different format. It is in this
13 form on notice boards and it's electronically on
14 the company's Internet.

15 Q. What's electronically on the company's Internet,
16 are the words the same?

17 A. Yes.

18 Q. Okay. Is there any protocol -- first of all, in
19 your position as head of human resources and I
20 guess I'll really start again on that. In the
21 years 2002, 2003, 2004 you worked in Franklin?

22 A. Yes.

23 Q. And that's going to be the time frame we are
24 talking about, 2002, 2003, 2004. Was this policy
25 the policy at that time?

1 A. Yes.

2 Q. And when I say this policy, it's what is referred
3 to as what has been marked as Meade Exhibit No.
4 3?

5 A. Correct. Now, at times as presidents changed,
6 the policy gets resigned and reposted, but the
7 wording remains the same.

8 Q. In your -- during that period your precise title
9 at Franklin was what?

10 A. Manager of Human Resources.

11 Q. In that position, did you -- were you responsible
12 for enforcing the harassment policy that is set
13 forth in the Exhibit No. 3?

14 A. Yes.

15 Q. Were you the person in charge of that?

16 A. What do you mean by in charge?

17 Q. Was there another person who made decisions with
18 regard to harassment policy other than yourself
19 in Franklin?

20

21 MS. COCHENOUR: Objection. Do you
22 mean formation of the policy?

23 MR. LINDSAY: Why don't we just
24 strike that question because it's too
25 complicated.

1 Q. And that was this one?

2 A. Correct.

3 Q. And when I say this one, I'm talking about the
4 Wakefield?

5 A. Correct.

6 Q. All right. How did you first become aware that
7 there was a complaint by Mrs. Wakefield?

8 A. When in March, I believe it was March of 2003,
9 when Mrs. Wakefield was brought to my office by
10 another HR employee.

11 Q. And who was that?

12 A. Cornelia Adams.

13 Q. Okay. Can you tell us what you remember about
14 that meeting?

15 A. When Mrs. Wakefield was brought to my office, it
16 wasn't immediately followed by a meeting. She
17 was pretty distraught so there was a recess and
18 later then after a while, I can't remember if it
19 was an hour or two hours, there was a meeting
20 with Mrs. Wakefield and what was relayed to me
21 was that Mr. Larry Meade had shown up at the
22 Wakefield's home and Mrs. Wakefield felt that he
23 was unwelcomed and that obviously shouldn't have
24 been there in the first place and that he had
25 said things that she didn't find welcomed.

1 with -- are you saying Exhibit one?

2 Q. Yes.

3 A. Exhibit one summarizes the first meeting that I
4 had with Mr. Meade on the same day that
5 Mrs. Wakefield had first told me about her
6 complaint.

7 Q. Do you recall that meeting?

8 A. Yes.

9 Q. Do you recall how long this meeting was after
10 Mrs. Wakefield made her complaint?

11 A. It's approximately one to two hours.

12 Q. Okay. Do you recall what you told Mr. Meade?

13 A. I told Mr. Meade that a complaint had been
14 lodged, that he had been named in that complaint,
15 that since it had been reported to me, the
16 company had an obligation to investigate such a
17 complaint and that I was going to investigate it
18 and told him that although nothing had been found
19 and no interviews had been conducted to ensure
20 that the situation just remains as it is, that he
21 avoid any contact with Mrs. Wakefield and that I
22 did not want him to discuss the fact that she
23 lodged a complaint with her.

24 Q. Did you discuss with him what Mrs. Wakefield's
25 allegations were?

1 A. Yes. I summarized Mrs. Wakefield's complaint to
2 him.

3 Q. Do you recall what that summary was? What did
4 you tell him?

5 A. That he had made an unwelcomed visit to her house
6 and that he had made statements about leaving
7 with her and that she should essentially go away
8 with him.

9 Q. Had she told you that he wanted to have sex with
10 her?

11 A. Not -- no. Not in the first meeting.

12 Q. Okay. Is there anything else you recall telling
13 him at that meeting?

14 A. To think about what she said and if he recalls
15 anything else after our meeting to come tell me
16 about it.

17 Q. Did he tell you anything about what had happened
18 on March 2nd?

19 A. Yes. He said he had -- he admitted to visiting
20 her home, denied that he made any proposals of a
21 sexual nature, did say that it was a visit that
22 he made because of their mutual loss of children
23 and that they consoled each other and that's
24 about it.

25 Q. All right. After you had your interview with

1 him, did you proceed to go to the next step of
2 your procedure as to conduct an investigation?

3 A. What I did is I asked Mrs. Wakefield at the end
4 of our first meeting to provide me with any names
5 of people that could give me further information,
6 which she could not at that stage, at that first
7 meeting. What I did after the meeting was to
8 review Mr. Meade's files and also any files we
9 had in human resource that would be evidence of
10 any prior situations such as the complaint.

11 Q. Did you find any?

12 A. No.

13 Q. Okay. What did you do then? What's the next
14 thing that you can recall and if you need to use
15 your notes, that's fine or at least the notes
16 that I have or any other notes?

17 A. No. There were no further notes as a result of
18 that very first meeting. I continued to speak to
19 other folks in HR to see if anybody knew
20 anything.

21 Q. Who did you speak with?

22 A. I believe I spoke with Diane Kemick and asked her
23 if she had any knowledge of any prior incidents
24 involving Mr. Meade?

25 Q. Anybody else that you recall you spoke to other

1 it was Don Biondi who called me first or Wayne
2 Hilliard. One of them came and saw me and
3 reported that there was an incident that
4 Mrs. Wakefield did not feel well at work and had
5 to be taken home by her supervisor, Mr. Wayne
6 Hilliard. Mr. Biondi did get involved because I
7 remember him being in my office as we were
8 discussing this.

9 Q. What did he tell you, if you can recall?

10 A. I was told that Mrs. Wakefield was really upset
11 and that when Hilliard was asked to take her home
12 and that she had said something about Larry
13 Meade. I don't recall that there was any
14 details.

15 Q. All right. Did you do anything further with what
16 you heard on June 3rd?

17 A. Yes. On the same day after this had been
18 reported to me I called the Wakefield home
19 because obviously I wanted to know if this was
20 related to what had been reported in March and
21 whether there had been something new that
22 happened. I called the house and obviously did
23 check on Mrs. Wakefield, whether she was okay to
24 come and see me about it or when she could see me
25 about this concern. At the time Mr. Wakefield

1 conversation?

2 A. I believe -- I can't remember if it was that day
3 or the next day, but either that day or the next
4 day Mr. Miller reported this telephone
5 conversation to me.

6 Q. Did he tell you the substance of the telephone
7 conversation?

8 A. Yes. And I asked him if he'd done notes and he
9 said that he was going to.

10 Q. And are these his notes, Exhibit No. 4?

11 A. Yes.

12 Q. All right. And you said that -- was it the 16th
13 then that you had a conversation with Valerie
14 Wakefield?

15 A. Correct. Valerie and Harold and Don Biondi.

16 Q. All right. What happened then? Was that a
17 meeting?

18 A. Yes, that was a physical meeting.

19 Q. Okay. And it was Mr. Biondi, Harold, Valerie and
20 yourself?

21 A. Yes. At the outset of the meeting I asked
22 Valerie and Harold if they were comfortable that
23 Don was at the meeting and I think they may have
24 even asked Don to be there, if I remember
25 correctly. I can't recall whether it was Valerie

1 or Harold who said that yes, they wanted Don
2 there. Don was the manager who had actually
3 hired Valerie and who was the manager in her
4 department. And for some reason they said that
5 Don was also the manager that had advised Valerie
6 about the company's policy on harassment when he
7 hired her.

8 Q. Okay. What happened at that meeting?

9 A. At that meeting Valerie -- this was the first
10 time that Valerie gave me a description of more
11 events that she -- that she says took place and I
12 don't recall now the exact dates of which events,
13 but events like Mr. Meade following her -- or
14 coming to areas where she worked.

15 Q. Such as what did she tell you?

16 A. Such as restrooms.

17 Q. All right.

18 A. And that he would start talking about the son
19 that is deceased and that he would ask how it was
20 going with her, how she's doing based on the
21 difficult times she had gone through as well.
22 That he then -- one incident that she relayed to
23 me was that he kissed her and she did not like
24 that. She asked him to leave. And that he
25 wanted her to -- that he wanted her to leave her

1 husband and go to Florida with him. And that
2 sometime after that event he would come back the
3 next week and apologize. You're okay with me
4 looking at my notes, by the way, as I'm saying
5 this?

6 Q. Absolutely. That's what they're there in front
7 of you for.

8 A. And at that meeting, Valerie then provided me
9 with names of people that she believed had either
10 seen her and Larry together in some situations or
11 I guess, in Valerie's view could provide me with
12 information on past behavior of Larry Meade.

13 Q. What were those names?

14 A. Mike Calderone, who works up in engineering,
15 Peggy Doyle and Jill Seyler, I believe was the
16 third one that was mentioned at that meeting.

17 Q. Okay. Did she tell you anything about remarks
18 that Mr. Meade had made about her clothing? That
19 she would look good in a string bikini or was she
20 wearing a thong underwear, do you recall that or
21 not?

22 A. I need to look at my notes to recall if it was
23 this meeting. I do recall that she said that he
24 made a comment about her looking good in a
25 bikini.

1 that is currently pending?

2 MR. LINDSAY: It's about the hands
3 on the butt, whether she said that at that
4 meeting.

5 MS. COCHENOUR: Whether she said
6 that at the meeting on June 16.

7
8 A. It was actually at a meeting on June 17th.

9 Q. All right.

10 A. We had a follow-up meeting with Mrs. Wakefield.
11 I obviously needed more information on some of
12 the things she said.

13 Q. How long did this meeting on June 16th last?

14 A. I do not recall. It was quite a long meeting. I
15 don't recall exactly. I would say at least an
16 hour.

17 Q. In the course of this meeting, can we agree, sir,
18 that she gave you a number of allegations that
19 she had not revealed to you prior to June 16?

20 A. Correct.

21 Q. Did you question her concerning why she didn't
22 report these earlier?

23 A. I don't recall if I asked her that straight out.

24 Q. First of all, you're very familiar with the Joy
25 sexual harassment policy we discussed, correct?